

Appl. No. 09/775,046
Amdt. Dated April 1, 2004
Reply to Office Action of October 14, 2003

REMARKS

Claims 4-10 are pending. Claims 4-10 are cancelled, without prejudice and Claims 21-26 are new. Support for new Claim 21 finds support, e.g., in previously filed Claim 4 and on page 95, lines 13-22 of the specification. New Claims 22 and 23 are supported, e.g., by previously filed Claim 5. Support for new Claims 24 and 25 can be found, e.g., on page 95, lines 13-22 of the specification. Claim 26 is supported, e.g., by previous filed Claim 5 and on page 78, line 30, through page 79, line 8, of the specification.

Applicants believe that no new matter is added by the foregoing amendments.

I. Rejections of Claims 4-10 under 35 U.S.C. §112, First Paragraph.

The Examiner maintained Claims 4-10 under 35 U.S.C. §112, first paragraph on the basis that one of skill would not "be able to predict that such a nexus [between IL-1R6 function and inflammation] exists." (see page 2 of Final Office Action). Claims 4-10 are cancelled, and the rejection is therefore moot as to these claims.

The Examiner states that "[i]t is agreed that IL-1 ϵ expression in psoriasis indicates that inhibiting it might affect psoriasis." (see Final Office Action, page 2). However, the Examiner alleges that the claims encompassing proliferation, general inflammation, and tissue remodeling are not commensurate in scope with the disclosure. Applicants still disagree with the Examiner's assertion, and again point out that the burden of proof for the Applicants is what a skilled artisan would reasonably believe, in this particular case, are the effects of modulating IL-1 δ , IL-1 ϵ , and IL-1R6. It is well known that psoriasis is a cutaneous inflammation, caused by a specific response of the immune system, not unlike other inflammations. Further, it is disclosed in the specification, that IL-1 δ , IL-1 ϵ , and IL-1R6 belong to the highly homologous and conserved family of IL-1 and IL-1R molecules. Most if not all these members have been shown to modulate the

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inflammatory process. Taken together, the skilled artisan would find it more likely than not that IL-1 δ , IL-1 ϵ , and IL-1R6 are involved in the inflammatory response. Nonetheless, in an effort to expedite prosecution, new Claims 21-26 are directed to cutaneous inflammation are therefore free from this rejection.

Conclusion

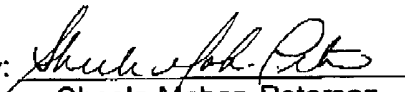
Applicants' current response is believed to be a complete reply to all the outstanding issues of the latest Final Office Action. Further, the present response is a bona fide effort to place the application in condition for allowance or in better form for appeal. Accordingly, Applicants respectfully request reconsideration and passage of the amended claims to allowance at the earliest possible convenience.

Applicants believe that no additional fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to debit any charges or refund any overpayments to DNAX Deposit Account No. 04-1239.

If the Examiner believes that a telephonic conference would aid the prosecution of this case in any way, please call the undersigned.

Respectfully submitted,

Dated: April 1, 2004

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